

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:22-CR-31
Judge Bailey

MICAH ATKINSON,

Defendant.

ORDER

Pending before this Court is an Unopposed Motion to Continue Final Pretrial and Trial [Doc. 71], filed June 7, 2023. Therein, counsel for defendant, Elizabeth B. Gross, requests a continuance as she is awaiting the results of the evaluation of Mr. Atkinson to see if there are any cognitive limitations that would affect his ability to understand what she is presenting to him. Counsel for defendant represents that the Government does not oppose a continuance.

After careful review of the grounds offered in support, this Court finds good cause to grant the Motion. In doing so, this Court has considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B), and now finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial because the continuance will provide defense counsel additional time to await the results of the evaluation of Mr. Atkinson. 18 U.S.C. § 3161(h)(7)(A). Accordingly, this period of delay shall be excluded in computing the time within which trial must commence. The Court

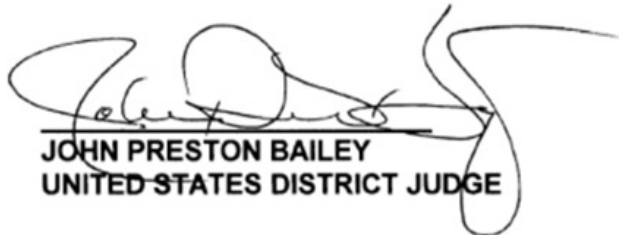
GRANTS the continuance [**Doc. 71**], which tolls the Speedy Trial Clock as of the date of this Order. Defendant is **DIRECTED** to **NOTIFY** the Court within **ten (10) days** after receipt of results of the evaluation.

As a final matter, in light of the above continuances, all other remaining deadlines are hereby **EXTENDED** by a period of time commensurate to the new trial date. If any pretrial motions are filed, the parties are directed to contact the magistrate judge to schedule a motions hearing.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: June 7, 2023.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE